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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,258	04/25/2001	Katsuhiro Morisada	PY-21	7529
7590	04/05/2006		EXAMINER	
LACKENBACH SIEGEL MARZULLO ARONSON & GREENSPAN, P.C. Penthouse Suite One Chase Road Scarsdale, NY 10583			HOSSAIN, FARZANA E	
			ART UNIT	PAPER NUMBER
			2623	
			DATE MAILED: 04/05/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/842,258	MORISADA ET AL.
Examiner	Art Unit	
Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 October 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2,4-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 4-7,10,12,15 and 16 is/are allowed.
- 6) Claim(s) 1,2,9,11,13 and 14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10-14-05</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to communications filed 10-14-05. Claims 1, 2, 4-7, 9-16 are amended. Claims 3 and 8 are cancelled.

### *Response to Arguments*

2. Applicant's arguments filed 10-14-05 have been fully considered but they are not persuasive. In response to arguments on Page 12, Vegt discloses a frequency setting means for setting second frequency range (for each channel) more narrowly than and within the first frequency range or the frequency steps around the assumed center frequency in second frequency steps for finding tuning and the second frequency steps are smaller than the first frequency steps (Column 3, lines 13-18). Arguments state that second frequency range of  $\pm 240$  kHz or approximately  $\pm 200$  kHz and first frequency range of  $\pm 2$  MHz around the center frequency is not disclosed. Sugibayashi discloses the limitations of the frequency ranges Sugibayashi in order to detect a desired channel so that the best receiving frequency is determined at all times (Column 2, lines 34-41).

Rejections are below.

3. Note: "counting the number of receivable channels, thereby determining whether the channels are within a terrestrial-wave television broadcast channel plan or within a

CATV broadcast channel plan," for a first frequency range is only within the preamble of the independent claims, they are not written in the body of claim, and weight has not been given.

***Drawings***

4. The drawings are objected to because Figure 5 indicates +2kHz instead of +2MHz for first frequency. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vegt (US 6,038,433) in view of Sakakibara et al (US 5,479,214 and hereafter referred to as Sakakibara).

Regarding Claims 1, 9, and 11, Vegt discloses a receiver, which conducts searches within first frequency ranges or steps or a frequency range for each channel (Column 2, lines 42-50) with respect to a center frequency of each channel (Column 2, lines 31-33) to register received data into a memory (Column 2, lines 51-54). Vegt discloses a frequency setting means for setting second frequency ranges narrower or smaller than the first frequency ranges (Column 3, lines 13-18). Vegt does not disclose a determining means for determining whether the channels are within a terrestrial-wave television (TV) broadcast or within a cable television (CATV) broadcast by counting the number of received channels in the second frequency range. Sakakibara discloses a determining means to determine or means to detect whether the channels are within a terrestrial-wave television broadcast or within a CATV broadcast by counting (Column 2, lines 1-11) by counting the number of received channels in the second frequency range

or zone (Figure 3, Column 4, lines 66-67). It would have been obvious at the time the invention was made to modify Vegt to include a determining means to determine whether the channels are within in a terrestrial-wave broadcast channel plan or CATV broadcast channel plan (Column 2, lines 1-11) by counting the number of received channels in a frequency zone (Figure 3) as taught by Sakakibara in order to provide an automatic receiving channel setting method of a receiver which allows the receiver to conduct searches of channels and judge or determine whether the broadcasts are television (TV) or CATV broadcasts.

7. Claims 2, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vegt over Sakakibara as applied to claim 1 above, and further in view of Sugibayashi et al (US 4,594,611 and hereafter referred to as "Sugibayashi").

Regarding Claim 2, Vegt and Sakakibara disclose all the limitations of Claim 1. Vegt and Sakakibara do not disclose that each second frequency range is a frequency range of approximately  $\pm 200$  kHz around the center frequency. Sugibayashi discloses that each second frequency range is a frequency range of approximately 200kHz or  $\pm 240$  kHz (Column 3, lines 64-67). It would have been obvious at the time the invention was made to modify Vegt in view of Sakakibara to define a second frequency range as a range of approximately  $\pm 200$  kHz or  $\pm 240$  kHz around the center frequency (Column 3, lines 64-67) as taught Sugibayashi in order to detect a desired channel so that the best receiving frequency is determined at all times (Column 2, lines 34-41).

Regarding Claim 13, Vegt and Sakakibara disclose all the limitations of Claim 1. Vegt and Sakakibara do not disclose that the first frequency range is a frequency range of approximately  $\pm 2$  MHZ around the center frequency. Sugibayashi discloses that each first frequency range is a frequency range of approximately  $\pm 2$  MHz (Column 3, lines 6-19). It would have been obvious at the time the invention was made to modify Vegt in view of Sakakibara to define a first frequency range is a range of approximately  $\pm 2$  MHz around the center frequency (Column 3, lines 6-19) as taught Sugibayashi in order to detect a desired channel so that the best receiving frequency is determined at all times (Column 2, lines 34-41).

Regarding Claim 14, Vegt and Sakakibara disclose all the limitations of Claim 2. Vegt and Sakakibara do not disclose that the first frequency range is a frequency range of approximately  $\pm 2$  MHZ around the center frequency. Sugibayashi discloses that each first frequency range is a frequency range of approximately  $\pm 2$  MHz (Column 3, lines 6-19). It would have been obvious at the time the invention was made to modify Vegt in view of Sakakibara to define a first frequency range is a range of approximately  $\pm 2$  MHz around the center frequency (Column 3, lines 6-19) as taught Sugibayashi in order to detect a desired channel so that the best receiving frequency is determined at all times (Column 2, lines 34-41).

***Allowable Subject Matter***

8. Claims 4-7,10,12, 15, 16 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

Vegt discloses a receiver, which conducts a search within a first frequency range or steps (Column 2, lines 42-50) with respect to a center frequency of each channel (Column 2, lines 31-33) to register received data into a memory (Column 2, lines 51-54). Vegt discloses a frequency setting means for setting a second frequency range more narrowly or smaller than and within the first frequency range or the frequency area around the assumed center frequency in second frequency steps for finding tuning (Column 3, lines 13-18).

White et al (US 6,064,449 and hereafter referred to as "White") discloses counting the number of receivable channels and determining whether the channels are within a terrestrial wave TV broadcast channel plan or within a CATV broadcast channel plan (Figure 4, 401, 403). White discloses that the counter is incremented for different categories of frequencies whether broadcast or standard cable or IRC frequency or HRC frequency.

The prior art of record does not disclose the following limitations in conjunction with the rest of limitations recited in the independent claims: setting filtered third frequencies frequency shifted +2MHz from an associated center frequency when the number of counted receivable channels of CATV broadcast in a UHF band overlapped with a TV channel outside the third frequency ranges.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

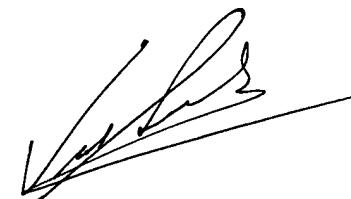
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
03-29-06



VIVEK SRIVASTAVA  
PRIMARY EXAMINER